

**63H-3-101. Short title.**

This chapter is known as the "Utah Science Center Authority."

Renumbered and Amended by Chapter 370, 2011 General Session

**63H-3-102. Legislative findings -- State purpose.**

(1) The Legislature finds and declares that:

(a) a Utah Science Center Authority can promote science, Utah's effort in high technology, engineering, the arts, culture, Utah's unique origins, and can enhance tourism and provide a valuable educational forum, and other benefits for Utah's citizens; and

(b) fostering the development of science, arts, tourism, culture, and educational facilities is a state purpose affecting the welfare of all state citizens and the growth of the economy statewide.

(2) It is therefore the purpose of this chapter that the state provide a means to foster the development of science, technology, engineering, arts, tourism, cultural, and educational facilities in order to further the welfare of the citizens of the state and its economic growth.

Renumbered and Amended by Chapter 370, 2011 General Session

**63H-3-103. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and expenses.**

(1) There is created an independent state agency and a body politic and corporate known as the "Utah Science Center Authority."

(2) (a) The authority is composed of 13 members.

(b) The governor shall appoint:

(i) three members representing the informal science and arts community that could include members from the board of directors of the Hansen Planetarium, the Hogle Zoo, the Children's Museum of Utah, the Utah Museum of Natural History, and other related museums, centers, and agencies;

(ii) one member of the State Board of Education;

(iii) one member of the Department of Heritage and Arts;

(iv) one member of the Board of Tourism Development;

(v) one member of the State Board of Regents; and

(vi) three public members representing Utah industry, the diverse regions of the state, and the public at large.

(c) The county legislative body of Salt Lake County shall appoint one member to represent Salt Lake County.

(d) The mayor of Salt Lake City shall appoint one member to represent Salt Lake City Corporation.

(e) The State Science Advisor or the advisor's designee is also a member of the authority.

(f) In appointing the three public members, the governor shall ensure that there is representation from the science, technology, and business communities.

- (3) All members shall be residents of Utah.
- (4) Each member is appointed for four-year terms beginning July 1 of the year appointed.
- (5) (a) Except as required by Subsection (5)(b), as terms of current authority members expire, the governor shall appoint each new member or reappointed member to a four-year term.
- (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of authority members are staggered so that approximately half of the authority is appointed every two years.
- (6) A member may be removed from office by the governor or for cause by an affirmative vote of nine members of the authority.
- (7) When a vacancy occurs in the membership for any reason, the replacement is appointed by the governor for the unexpired term.
- (8) Each public member shall hold office for the term of the member's appointment and until the member's successor has been appointed and qualified.
- (9) A public member is eligible for reappointment, but may not serve more than two full consecutive terms.
- (10) The governor shall appoint the chair of the authority from among its members.
- (11) The members shall elect from among their number a vice chair and other officers they may determine.
- (12) The chair and vice chair are elected for two-year terms.
- (13) The powers of the authority are vested in its members.
- (14) Seven members constitute a quorum for transaction of authority business.
- (15) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 212, 2012 General Session

**63H-3-104. Executive director -- Powers and duties.**

- (1) (a) The members shall appoint an executive director who shall be an employee of the authority, but who may not be a member of the authority.
- (b) The executive director serves at the pleasure of the members and receives compensation as set by the members and approved by the governor.
- (2) The executive director shall:
  - (a) administer, manage, and direct the affairs and activities of the authority in accordance with the policies, control, and direction of the members;
  - (b) approve all accounts for allowable expenses of the authority or of any of its employees and expenses incidental to the operation of the authority;
  - (c) attend the meetings of the authority;

- (d) keep a record of the proceedings of the authority;
- (e) maintain and be custodian of all books, documents, and papers filed with the authority; and
- (f) perform other duties as directed by the members in carrying out the purposes of this part.

Renumbered and Amended by Chapter 370, 2011 General Session

**63H-3-105. Member or employee -- Disclosure of interest.**

(1) A member or employee of the authority who has, will have, or later acquires an interest, direct or indirect, in a transaction with the authority shall immediately disclose the nature and extent of that interest in writing to the authority as soon as the member has knowledge of the actual or prospective interest.

(2) This disclosure shall be entered upon the minutes of the authority.

(3) Upon this disclosure that member or employee may participate in any action by the authority authorizing the transaction.

Renumbered and Amended by Chapter 370, 2011 General Session

**63H-3-106. Officer or employee -- No forfeiture of office or employment.**

Notwithstanding the provisions of any other law, an officer or employee of this state does not forfeit an office of or employment within the state by reason of the person's acceptance of membership on the authority or service on it.

Renumbered and Amended by Chapter 370, 2011 General Session

**63H-3-107. Authority -- Powers.**

(1) (a) The authority shall create, operate, and maintain a center that promotes the purposes described in Section 63H-3-102.

(b) The center shall:

- (i) have an extensive outreach program that serves all regions of the state; and
- (ii) collaborate and coordinate with education, arts, technology, and engineering entities, including schools and industries.

(2) The authority has perpetual succession as a body politic and corporate and may:

(a) adopt, amend, and repeal rules, policies, and procedures for the regulation of its affairs and the conduct of its business;

(b) sue and be sued in its own name;

(c) maintain an office at a place within this state it designates;

(d) adopt, amend, and repeal bylaws and rules, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority and the conduct of its business;

(e) purchase, lease, sell, and otherwise dispose of property and rights-of-way;

(f) employ experts, advisory groups, and other professionals it considers necessary;

- (g) employ and retain independent legal counsel;
  - (h) make and execute contracts and all other instruments necessary or convenient for the performance of its duties and the exercise of its duties under this chapter to create, operate, and maintain a Science Center in Utah;
  - (i) procure insurance for liability and against any loss in connection with its property and other assets in amounts and from insurers it considers desirable;
  - (j) borrow money, receive appropriations from the Legislature, and receive other public money and accept aid or contributions from any source of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this chapter subject to the conditions upon which the grants and contributions are made, including gifts or grants from any department, agency, or instrumentality of the United States or of this state for any purpose consistent with this chapter;
  - (k) enter into agreements with any department, agency, or instrumentality or political subdivision of the United States or this state for the purpose of providing for the creation, operation, and maintenance of a Science Center in Utah; and
  - (l) to do any act necessary or convenient to the exercise of the powers granted by this chapter.
- (3) (a) All money received by the authority under Subsection (2)(j) and from any other source is for the exclusive use of the authority to create, operate, maintain, improve, and provide for a Science Center in Utah.
- (b) The money received by the authority may not be used for any other purpose or by any other entity.

Renumbered and Amended by Chapter 370, 2011 General Session

**63H-3-108. Actions on validity or enforceability of bonds -- Time for bringing action.**

(1) In a suit, action, or proceeding involving the validity or enforceability of a bond issued under this chapter or the security for them, the bond reciting in substance that it has been issued by the authority in connection with the Utah Science Center is conclusively considered to have been issued for that purpose.

(2) (a) After receiving notice described in Subsection (2)(a)(ii), a person may contest:

- (i) (A) the legality of a resolution;
  - (B) notice of bonds to be issued; or
  - (C) a provision made for the security and payment of the bonds; and
  - (ii) for a period of 30 days after the publication of the resolution authorizing the bonds, or a notice of bonds to be issued by the authority containing those items described in Section 11-14-316:
    - (A) in a newspaper having general circulation in the area of operation; and
    - (B) as required in Section 45-1-101.
- (b) After the 30-day period no one has any cause of action to contest the regularity, formality, or legality of the notice of bonds to be issued or the bonds for any cause whatsoever.

Renumbered and Amended by Chapter 370, 2011 General Session

**63H-3-109. Relation to certain acts.**

- (1) The authority is exempt from:
  - (a) Title 51, Chapter 5, Funds Consolidation Act;
  - (b) Title 63A, Chapter 1, Department of Administrative Services;
  - (c) Title 63G, Chapter 6a, Utah Procurement Code;
  - (d) Title 63J, Chapter 1, Budgetary Procedures Act; and
  - (e) Title 67, Chapter 19, Utah State Personnel Management Act.
- (2) The authority is subject to audit by:
  - (a) the state auditor pursuant to Title 67, Chapter 3, Auditor; and
  - (b) the legislative auditor general pursuant to Section 36-12-15.
- (3) The authority shall annually report to the Retirement and Independent Entities Committee created under Section 63E-1-201 concerning the authority's implementation of this part.

Amended by Chapter 347, 2012 General Session

**63H-3-110. Sales tax exemption.**

The authority and its operators are exempt from sales and use tax imposed under Title 59, Chapter 12, Sales and Use Tax Act.

Renumbered and Amended by Chapter 370, 2011 General Session